REMARKS

Claims 1-13 are all the claims that have been examined in the pending application. Claims 1-3, 7-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Valero (U.S. Publication No. 2003/0081038). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (U.S. Publication No. 2003/0081038) in view of Williams (U.S. Patent No. 6,14,749). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (U.S. Publication 2003/0081038) in view of Butterfiled (U.S. Patent No. 6,685,297). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (U.S. Publication No. 2003/0081038) in view of Valero (U.S. Patent No. 6,802,580).

By this amendment, Applicants are amending claims 1 and 11-13.

Claim rejections under 35 U.S.C. § 102(e)

A. Claims 1-3, 7-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Valero (U.S. Publication No. 2003/0081038).

Claim 1, as amended, recites, in part, "determining, based on said adjustment pattern that has been formed, whether or not to form said adjustment pattern again with said liquid ejecting section." Applicants respectfully submit that Valero fails to disclose this aspect of claim 1.

Valero discloses that a group of test patterns 402, 404, 406, and 408 are produced by different marking implements, respectively. See paragraphs [0037] and [0038]. Valero thus fails to determine, based on said adjustment pattern that has been formed, whether or not to form said adjusting pattern again with said liquid ejecting section. Valero makes no mention of using an adjustment pattern previously formed to determine whether to form said adjustment pattern

again. Valero simply determines an offset or misalignment of an ink ejection element based on the pattern formed. Therefore, claim 1, as amended, is patentable over the applied art.

Claims 2, 3, and 7-10 are patentable at least by virtue of their dependency from claim 1.

Amended claims 11-13 recite similar limitations to those found in amended claim 1. For reasons analogous to those presented with regard to claim 1, claims 11-13 are patentable over the applied art.

Claim rejections under 35 U.S.C. § 103(a)

A. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (U.S. Publication No. 2003/0081038) in view of Williams (U.S. Patent No. 6,14,749).

As discussed above, Valero 1 fails to disclose all aspects of the claimed invention as found in claim 1. Because Williams fails to cure the deficient teachings in Valero 1 with respect to claim 1, the combination of the references would not lead one of ordinary skill in the art to the invention claimed in claim 1. Therefore, claim 4 is patentable at least by virtue of its dependency from claim 1.

B. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (U.S. Publication 2003/0081038) in view of Butterfiled (U.S. Patent No. 6,685,297).

As discussed above, Valero 1 fails to disclose all aspects of the claimed invention as found in claim 1. Because Butterfield fails to cure the deficient teachings in Valero 1 with respect to claim 1, the combination of the references would not lead one of ordinary skill in the art to the invention claimed in claim 1. Therefore, claim 5 is patentable at least by virtue of its dependency from claim 1.

C. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (U.S. Publication No. 2003/0081038) in view of Valero (U.S. Patent No. 6,802,580).

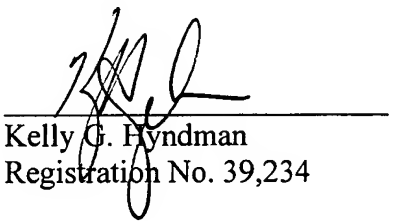
As discussed above, Valero 1 fails to disclose all aspects of the claimed invention as found in claim 1. Because Valero 2 fails to cure the deficient teachings in Valero 1 with respect to claim 1, the combination of the references would not lead one of ordinary skill in the art to the invention claimed in claim 1. Therefore, claim 6 is patentable at least by virtue of its dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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